

Late Backup



SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & DOUGLAS, L.L.P.



221 West Sixth Street, Suite 1100

Austin, Texas 78701

512.225.5800 p

512.225.5838 f

603 West Johanna Street, Polvos

NPA-2012-0013.01

C14-2012-0021

SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & DOUGLAS, L.L.P.



SMITH | ROBERTSON

Attorneys at Law

603 West Johanna Street



Planning Commission

Neighborhood Plan Subcommittee Minutes, May 18, 2011

- Item 4.a. regarding filling an out-of-cycle zoning application for 603 Johanna Street.
- Subcommittee “recommended that the representatives talk with the BCNPCT and the zoning steering committee of the BNA to come to an appropriate conclusion...getting everyone together to talk about the solutions could guarantee a better results for all involved.”
- Applicant did not discuss the matter with neighbors and filed the applications in-cycle in February 2012.

NO (Neighborhood Office) Development Standards

- Note that the applicant has requested to rezone only 723 square feet of the lot to NO-MU-NP.

	LDC	Applicant Request
Minimum Lot Size	5,750 square feet	723 square feet
Minimum Lot Width	50 feet wide	12 feet wide, not a "lot"
Minimum Setback	Front yard, 25 feet Street side yard, 15 feet Interior side and rear yard, 5 feet	No compliance

NO (Neighborhood Office) Development Standards

- Compatibility standards are also triggered along the western property line:
 - No structure may be built within 15 feet of the property line.
 - A landscape area of at least 15 feet wide along the property line.
- In addition, the property takes access to a local street that is only 30 feet wide and does not meet the “NO” district definition for access to a collector street that has a minimum of 40 feet in width.

Bouldin Creek Neighborhood Plan

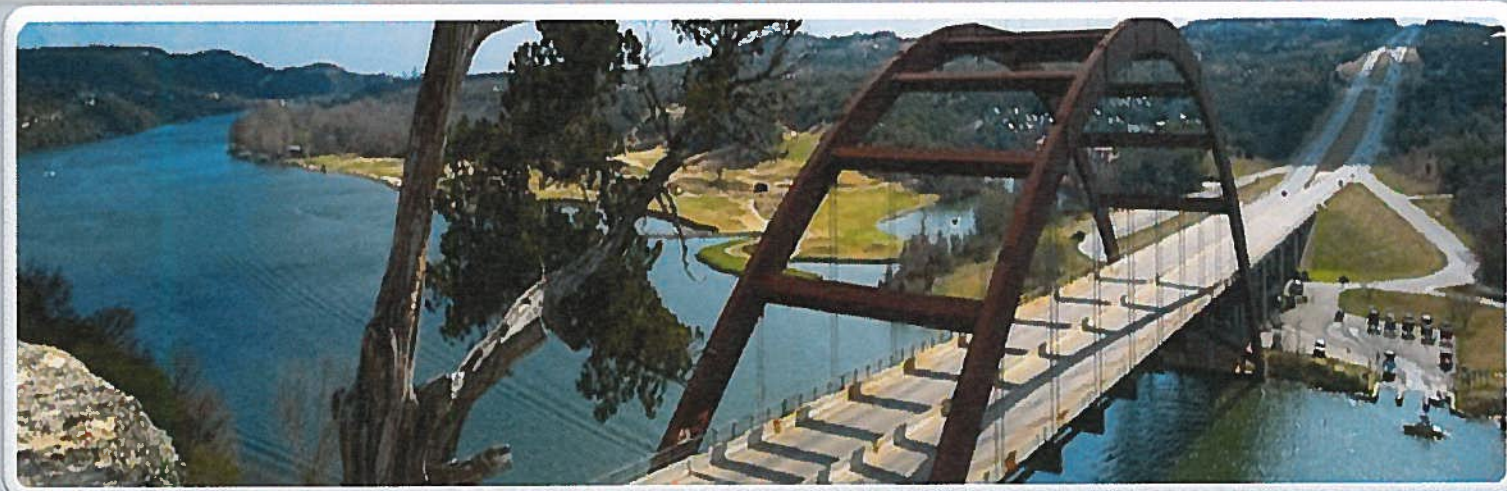
- Goal 1: “Maintain established neighborhood character and assets.”
 - Objective 1.1: “Maintain the Single Family residential character of the neighborhood interior.”
 - Note: The BCNP expressly states that “properties located within the interior of the neighborhood that are zoned single family should remain as single family land uses.”
 - Action Item 1: “Work with the South Central Coalition, the Austin Neighborhoods Council and the City of Austin to address ongoing problems with parking enforcement.”
 - Note: Action Item 1 is the first Action Item in a recurring theme in the BCNP: control problems with commercial parking, especially at the intersection of Johanna and South First Street (see Action Items 60, 62, 63 and 64 below). By changing the zoning district from SF-3-NP to NO-MU-NP, the City contravenes Action Item 1.

Bouldin Creek Neighborhood Plan

- Objective 1.2: “Preserve South First Street as an eclectic mix of commercial, residential and office uses that serve as ‘Downtown Bouldin Creek.’”
 - Note: With regard to this Objective, the BCNP states that the Bouldin Creek Neighborhood Planning Team is “seeking to prevent the encroachment of commercial use into the residential parts of the neighborhood.” Polvos’ requested zoning change and corresponding neighborhood plan amendment is an “encroachment” into the residential neighborhood.
- Goal 4: “Create a Transportation network that allows residents to walk, bike, ride, roll and drive safely.”
 - Objective 4.5: “Promote parking designs that maximize safety and are compatible with neighborhood character.”
 - Action Item 60: “The neighborhood wishes to facilitate enforcements of existing parking...in order to insure (1) maximum vehicular safety at all intersections and (2) pedestrian safety throughout the neighborhood.”
 - Action Item 62: “Restrict parking to the maximum extent allowed by law with maximum enforcement of current regulations at the intersection of South First and Johanna. Parking variance requests within this area should be given maximum scrutiny.”

Summary

- The requested NPA and Zoning designations contravene the express goals of the Bouldin Creek Neighborhood Plan.
- The property in question does not meet the minimum development standards.
- Adjacent neighbors object to the requested NPA and Zoning designations.
- On May 22, 2012, the Planning Commission approved by unanimous, 9-0 vote staff's recommendations for denial of the applicant's rezoning and neighborhood plan amendment requests.



SMITH, ROBERTSON, ELLIOTT, GLEN, KLEIN & DOUGLAS, L.L.P.



SMITH|ROBERTSON
Attorneys at Law

221 West Sixth Street, Suite 1100

Austin, Texas 78701

512.225.5800 p

512.225.5838 f

POLVOS RESTAURANT AND BAR OFF-SITE PARKING SITE PLAN

OWNER:

MR. DAVID VERA
2004 S. 1st STREET
AUSTIN, TEXAS 78704
PH. (512)

OFFSITE PARKING LOT OWNER:

MR. JOSE B. LINARES
2008 S. 1st STREET
AUSTIN, TEXAS 78704
(512) 442-5448

OFFSITE PARKING LOT OWNER:

MR. EUGENE A. POWELL
2007 S. 1st STREET
AUSTIN, TEXAS 78704
(512) 442-6448

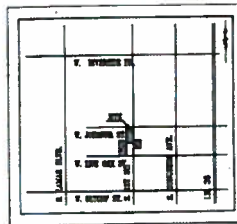
PERMITTING AGENT:

MR. PHIL MONCADA
MONCADA CONSULTING
1301 S. IH 35, SUITE 204
AUSTIN, TEXAS 78741
(512) 827-8815

PROJECT DESIGNER:

MR. RAMON DURAN JR.
ATX DESIGN GROUP
1700 TERI ROAD #301
AUSTIN, TEXAS 78744
TEL. (512) 584-0211

2004 S. 1st STREET (ONSITE)
2007 S. 1st STREET (OFFSITE)
2008 S. 1st STREET (OFFSITE)
AUSTIN, TEXAS 78704



VICINITY MAP
SCALE: NOT TO SCALE
MAPSCO GRID: K-22

INDEX OF DRAWINGS:

1. COVER SHEET
2. SITE PLAN AND OFFSITE PARKING

LEGAL DESCRIPTION (2004 S. 1st):

LOTS 1-3 AND PORTION OF LOT 10, BLOCK F,
JAMES E. BOULDIN ADDITION, VOLUME 1, PAGE
71, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

LEGAL DESCRIPTION (2007 S. 1st):

LOTS 4-5, BLOCK C, JAMES E. BOULDIN
ADDITION, DOCUMENT NO. 2007052968TR, DEED
RECORDS OF TRAVIS COUNTY, TEXAS.

LEGAL DESCRIPTION (2008 S. 1st):

CENTER 50 FT. OF LOT 10, BLOCK F, JAMES E.
BOULDIN ADDITION, DOCUMENT NO.
200110207568TR, DEED RECORDS OF TRAVIS
COUNTY, TEXAS.

SITE PLAN NOTES

1. ALL IMPROVEMENTS SHALL BE MADE IN ACCORDANCE WITH THE RELEASED SITE PLAN. ANY ADDITIONAL IMPROVEMENTS SHALL REQUIRE SITE PLAN AMENDMENT AND APPROVAL OF THE PLANNING AND DEVELOPMENT REVIEW DEPARTMENT.
2. APPROVAL OF THIS SITE PLAN DOES NOT INCLUDE BUILDING AND FIRE CODE APPROVAL NOR BUILDING PERMIT APPROVAL.
3. ALL SIGNS MUST COMPLY WITH REQUIREMENTS OF THE LAND DEVELOPMENT CODE (CHAPTER 23-10).
4. ADDITIONAL ELECTRIC ENCLOSURES MAY BE REQUIRED AT A LATER DATE.
5. WATER AND WASTEWATER SERVICE IS PROVIDED BY THE CITY OF AUSTIN.
6. ANY EXISTING STRUCTURES SHOWN TO BE REMOVED WILL REQUIRE A DEMOLITION PERMIT FROM THE CITY OF AUSTIN PLANNING AND DEVELOPMENT REVIEW DEPARTMENT.
7. A DEVELOPMENT PERMIT MUST BE ISSUED PRIOR TO AN APPLICATION FOR BUILDING PERMIT FOR NON-CONSOLIDATED OR PLANNING COMMISSION APPROVED SITE PLANS.
8. THIS PROJECT IS LOCATED IN THE WEST BOULDIN CREEK WATERSHED, WHICH IS CLASSIFIED BY THE CITY OF AUSTIN AS AN URBAN WATERSHED. THE SITE IS NOT WITHIN THE EXCESSIVE AQUICLUS RECHARGE ZONE.
9. EVERY ACCESSIBLE PARKING SPACE MUST BE EQUIPPED BY A SIGN, LOCATED AT THE HEAD OF THE PARKING SPACE. THE SIGN MUST INCLUDE THE INTERNATIONAL SYMBOL OF ACCESSIBILITY AND SPACE RESERVATION, OR EQUIVALENT LANGUAGE, CHARACTERS AND SYMBOLS ON SUCH SIGNS MUST BE LOCATED NOT MORE THAN ABOVE THE GROUND SO THEY CANNOT BE OCCUPIED BY A VEHICLE PARKED IN THE SPACE. (BIC 1110.1, AND 302.7).

REVISIONS/CORRECTIONS

NO.	DESCRIPTION	REVISION NO./DATE	TOTAL # SHEETS IN PLAN	NET CHANGE IMP./COVER	SITE IMP./COVER	% SITE IMP./COVER	CITY OF AUSTIN APPROVAL DATE	DATE DRAINED

SUBMITTAL DATE: OCTOBER 5, 2011

SITE PLAN RELEASE		Rev. 1.0.1.
FILE NUMBER: SP-2011-0290-7	REVISION DATE:	
DATE SUBMITTED:	APPROVAL DATE:	
APPROVED ARCHITECTURALLY ON:		
APPROVED BY PLANNING COMMISSION ON:		
APPROVED BY CITY COUNCIL ON:		
under Section _____ of Chapter _____ of the Austin City Code.		
Planning and Development Review Department		
DATE OF REVIEW:	DATE:	
Rev. 1	Correction 1	
Rev. 2	Correction 2	
Rev. 3	Correction 3	
SIGNATURE OF THIS APPLICATION DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUBMITTED BY THE APPLICANT. THE SIGNATURE OF RECORD IS SOLELY RESPONSIBLE FOR COMPLETENESS, ACCURACY AND CONSISTENCY OF ALL DATA SUBMITTED, WHETHER OR NOT THE APPLICANT IS PROVIDING FOR CITY COMPLIANCE BY CITY ORDINANCES.		

SP-2011-0290-T

REVISIONS

POLVOS OFF-SITE PARKING

design group

ATX

DATE: 1/25/2011

SCALE: N.T.S.

DRAWN: RD

FILE: SP-2011-0290-7

SHEET 1

1

OF 2 SHEETS

